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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
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14 FOX FACTORY, INC. and FOX FACTORY
HOLDING, CORP.,

15 Plaintiffs,

16 v.

17 CANE CREEK CYCLING COMPONENTS,
18 INC.,

19 Defendant.
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CASE NO. 4:13-cv-04061-SBA

**PLAINTIFFS' ADMINISTRATIVE
REQUEST TO RESCHEDULE CASE
MANAGEMENT CONFERENCE;**

**DECLARATION OF ROBERT F.
MCCAULEY;**

[~~PROPOSED~~] ORDER

1 Plaintiffs Fox Factory, Inc. and Fox Factory Holding Corp. (“Fox”) respectfully request that
 2 the Court reschedule the initial Case Management Conference (“CMC”) in this case, currently set for
 3 November 27, 2013, at 3:00 p.m., to January 8, 2014, at a time convenient for the Court, or as soon
 4 thereafter as is convenient for the Court.

5 Since the filing of the Complaint on August 30, 2013, the parties have actively engaged in
 6 settlement discussions, and are continuing to engage in settlement discussions. Representatives from
 7 the parties met in person on October 30, 2013, in North Carolina for settlement discussions. The
 8 parties’ discussions have continued and remain ongoing. Deferring the CMC would provide the
 9 parties additional time to attempt to resolve their dispute. In addition, lead counsel for Fox
 10 scheduled a family vacation before the Court scheduled the November 27 CMC and will be on that
 11 family vacation on November 27, 2013, the date of the currently scheduled CMC.

12 The proposed rescheduling of the CMC will not affect any other deadlines in this case.

13 Moreover, Defendant Cane Creek Cycling Components, Inc., (“Cane Creek”) was provided a
 14 courtesy copy of the Summons and Complaint at or near the date of filing, as well as the Court’s
 15 scheduling order, but has not yet been formally served while the parties are pursuing settlement
 16 discussions.

17 For the above reasons, Fox respectfully requests that the currently scheduled CMC be
 18 postponed until at least January 8, 2014.

19 **SUPPORTING DECLARATION OF ROBERT F. McCAULEY**

20 I am an attorney licensed to practice before the courts of the State of California and in this
 21 District. I am a member of the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner LLP,
 22 attorneys of record for Plaintiffs. All representations made above and in this Miscellaneous
 23 Administrative Request are true to the best of my knowledge and belief.

24 The parties to this litigation have been actively engaged in settlement discussions, and held
 25 an in-person meeting between their representatives in North Carolina on October 30, 2013. The
 26 parties’ settlement discussions are continuing and ongoing.

1 I am lead counsel for Fox in the above captioned case. My family and I scheduled a family
2 vacation before the Court scheduled the November 27 CMC and will be on that family vacation on
3 November 27, 2013, the date of the currently scheduled CMC.

4 Fox sent a letter to Cane Creek enclosing a courtesy copy of the Complaint on the day the
5 Complaint was filed. On October 10, 2013, I sent a courtesy copy of the Court's October 10, 2013
6 Order to Cane Creek's outside counsel via email.

7 There have been no previous time modifications in this case and the proposed time
8 modification will not affect any other deadlines in this case.

9 By my signature below, I declare under penalty of perjury under the laws of the United States
10 that the foregoing is true and correct.

11 Respectfully submitted,

12 Dated: November 7, 2013


FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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15 By: /s/ Robert F. McCauley
16 Robert F. McCauley
17 Attorneys for Plaintiffs Fox Factory, Inc.
18 and Fox Factory Holding Corp.
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[PROPOSED] ORDER

GOOD CAUSE APPEARING, it is hereby ordered that the telephonic Case Management Conference is rescheduled for January 8, 2014, at 3:30 p.m. Plaintiffs' counsel to set up the conference call with all parties on the line and call chambers at (510) 637-3559.

Dated: 11/8/2013


Saundra B. Armstrong
United States District Judge